Case 2:05-cv-01049-CSC Document 10 Filed 01/17/2006 Page 1 of 3

IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF ALABAMA NORTHERN, DIVISION

HON. CHARLES S. COODY, MAG. JUDGE **AT MONTGOMERY, ALABAMA DATE COMMENCED:** 1/17/06 AT 3:00 p.m. to 3:11 p.m. **DATE COMPLETED:** 1/17/06 AT FTR RECORDING JAMES EDWARD WILSON, JR. Plaintiff CASE NO. 2:05CV01049-CSC vs.. NANCY WORLEY, et al

Defendant

PLAINTIFF

APPEARANCES:

*
Atty. James E. Wilson

* Atty. Alice A. Byrne

COURT OFFICIALS PRESENT:

COURTROOM DEPUTY: WANDA STINSON LAW CLERK: CORRIE LONG

(X) OTHER PROCEEDINGS: ORAL ARGUMENTS RE: MOTION TO REMAND TO CIRCUIT COURT

SEE MINUTES ATTACHED

stated in this claim; 3 :06:14 PM Atty. Byrne Nor in State Court; 3 :06:15 PM Court State court does not require one; 3 :06:18 PM Atty. Byrne Response; 3 :06:32 PM Court Response; Does not seek relief under 1983; Why shouldn't this complaint be in state court? 3 :06:53 PM Atty. Byrne Response; 3 :07:00 PM Court If they state a constitutional claim; 3 :07:09 PM Atty. Byrne Response; 3 :07:58 PM Atty. Wilson Response; 3 :08:54 PM Court conduct states claim of violation of a constitutional right, they a federal claim; 3 :09:03 PM Atty. Wilson Response; 3 :09:03 PM Atty. Wilson Response; 3 :09:17 PM Atty Byrne Response - if they were dismissed with prejudice would be not problems with it being remanded; 3 :09:36 PM Atty. Wilson Response; 3 :10:39 PM Atty. Byrne Response;	Description	Oral Argument - 2:0	5cv1049-CSC Re: Motion to Remand
Time Speaker Court Court Court convenes; discussion as to the motion to remand; Discussions regarding claims in complaint; 3:01:40 PM Atty. Wilson Response; 3:02:37 PM Atty. Wilson Response; Atty. Wilson Response; Atty. Wilson Response as to the claims in complaint is grounded in state law, Discussions as to state law; 3:03:45 PM Court Discussion as to state claim or constitutional claim; 3:03:46 PM Court Discussion regarding paragraph 20; 3:03:48 PM Atty. Wilson Response; not a constitutional claim; 3:03:46 PM Court Discussions regarding paragraph 20; 3:03:48 PM Atty. Wilson Response; Discussions as to the 14th amendment; 3:04:07 PM Court Vou claim that the 14th amendment is violated; 3:04:07 PM Court Response; B claiming that the state law was violated; 3:04:07 PM Court Response; Discussions regarding cause of actions; 3:04:19 PM Court Response; Discussions regarding cause of actions; 3:04:19 PM Court Response; Discussions regarding cause of actions; 3:04:53 PM Atty. Wilson Response; Discussions regarding cause of actions; 3:04:53 PM Atty. Wilson Response; Discussions regarding cause of actions; 3:04:53 PM Atty. Wilson Response; Discussions regarding cause of actions; 3:04:53 PM Atty. Wilson Response; Discussions regarding cause of actions; 3:04:53 PM Atty. Wilson Response; Discussions regarding cause of actions; 3:05:53 PM Atty. Wilson Response; Discussions regarding cause of action; State law creates the cause of action, the federal law does not; 3:06:14 PM Atty. Byrne Response; Does not seek relief under 1983; Why shouldn'this complaint be in state court? 3:06:15 PM Court Response; Court Response; Oses not seek relief under 1983; Why shouldn'this complaint be in state court? 3:06:35 PM Atty. Byrne Response; Court Response; Oses not seek relief under 1983; Why shouldn'this complaint be in state court? 3:07:00 PM Atty. Byrne Response; If they were dismissed with prejudice would he not problems with it being remanded; 3:09:03 PM Atty. Wilson Response; If they were dismissed with prejudice would he not pro	Description	1 /17/2006	Location Courtroom 4B
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0 .44.40 DM	: Atty Wilson	Would have to discuss that with client;
3 A 4 4 A D D 14	:Court	Court is recessed.

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